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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,047	02/05/2004	Wen-Huang Liu	KYCP0014USA	2046

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EXAMINER

PRENTY, MARK V

ART UNIT	PAPER NUMBER
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2822

DATE MAILED: 09/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/708,047

Applicant(s)

LIU ET AL.

Examiner

MARK PRENTY

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,8-12,15-17,19-21 and 25-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3,4,8-12,15-17,19-21 and 25-38 is/are allowed.
- 6) ☒ Claim(s) 39,43 and 45 is/are rejected.
- 7) ☒ Claim(s) 40-42,44 and 46 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

This Office Action is in response to the response filed on July 12, 2006.

Claims 39, 43 and 45 are rejected under 35 U.S.C. 102(e) as being anticipated by United States Patent 6,874,910 to Sugimoto et al. (Sugimoto).

As to independent claim 39, Sugimoto discloses a light-emitting device with compound substrate (see the entire patent, particularly the Fig. 6 disclosure) comprising: a compound substrate comprising a high thermal conductive layer 14 and a substrate 3'/4 disposed around the high thermal conductive layer; a metal layer 7 formed on the compound substrate (see column 11, lines 6-7); and a light-emitting stack layer 2 formed on the metal layer (see column 16, line 52), wherein the metal layer 7 is formed to enhance adhesion between the compound substrate and the light-emitting stack layer (see column 11, lines 6-7).

Claim 39 is thus rejected under 35 U.S.C. 102(e) as being anticipated by Sugimoto.

As to dependent claim 43, Sugimoto's high thermal conductive layer 14 comprises a material such as aluminum (Al) (see column 16, lines 41-42).

Claim 43 is thus rejected under 35 U.S.C. 102(e) as being anticipated by Sugimoto.

As to dependent claim 45, Sugimoto's metal adhesive layer 7 comprises silver (Ag) (see column 11, lines 6-7).

Claim 45 is thus rejected under 35 U.S.C. 102(e) as being anticipated by Sugimoto.

Claims 40-42, 44 and 46 are objected to as being dependent upon a rejected base claim, but would be allowable over the prior art of record if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 1, 3, 4, 8-12, 15-17, 19-21 and 25-38 are allowable over the prior art of record.

The applicant's arguments are not persuasive.

First, the applicant's allegation: "It is well-known that [Sugimoto's] silver paste is a mixture of epoxy and silver powder," is not persuasive because there is no evidence of that.

Furthermore, the applicant's remark: "Sugimoto has never taught replacing the die bonding paste 7 with metal adhesive layer," is a non sequitur because Sugimoto's die bonding "silver" paste 7 (column 11, lines 6-7) appears to be a metal adhesive layer on its face.

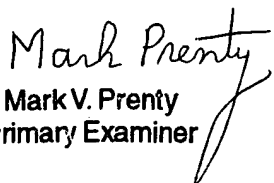
Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Registered practitioners can telephone the examiner at (571) 272-1843. Any voicemail message left for the examiner must include the name and registration number of the registered practitioner calling, and the Application/Control (Serial) Number. Technology Center 2800's general telephone number is (571) 272-2800.


Mark V. Prenty
Primary Examiner